



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MEB
F. #2016R00481

*271 Cadman Plaza East
Brooklyn, New York 11201*

April 13, 2020

TO BE FILED UNDER SEAL

By Email and ECF

The Honorable Eric N. Vitaliano
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Application Granted
SO ORDERED
Brooklyn, New York
Dated: 4/13/2020**

s/Eric N. Vitaliano

**Eric N. Vitaliano
United States District Judge**

Re: United States v. Daniel Sargeant
Criminal Docket No. 19-319 (ENV)

Dear Judge Vitaliano:

We are writing to the Court regarding a proposed modification of the defendant Daniel Sargeant's bail conditions. The defendant pled guilty on December 18, 2019 as a "John Doe" defendant pursuant to a cooperation agreement with the government to a two-count information charging him with conspiracy to violate the Foreign Corrupt Practices Act ("FCPA") and conspiracy to commit money laundering. Following his guilty plea, the defendant was released on bail conditions, a copy of which is attached hereto as Exhibit A, permitting him to travel to certain jurisdictions based upon his travel for work responsibilities there. At the time of his guilty plea, the defendant was living in the United Kingdom, and because Pretrial Services does not operate in the United Kingdom, his bail conditions required him to surrender his passport to his defense counsel to be released to the defendant temporarily for approved travel. Recently, the defendant returned to the United States and will be residing permanently in the Southern District of Florida. Accordingly, Pretrial Services, the government and the defendant request that his bail conditions be modified to require that the defendant surrender his passport to Pretrial Services, to be released to the defendant temporarily for travel to the United Kingdom as approved by Pretrial Services and the government and to be returned to Pretrial Services immediately thereafter. The government requests that his bail conditions remain the same in all other respects.

Sealing

The government respectfully requests that this letter, which discusses Mr. Sargeant's guilty plea and cooperation with the government, be filed under seal. Mr. Sargeant's cooperation and guilty plea, including his cooperation against other subjects and targets, has not been publicly revealed. Revealing the defendant's cooperation at this time, therefore, could engender harm to the defendant. See United States v. Doe, 63 F.3d 121, 128 (2d

Cir. 1995) (danger to person may be compelling reason to override public's right of access in courtroom closure context). Further, the government investigation is ongoing, and revealing Mr. Sargeant's cooperation may jeopardize the United States' ongoing criminal investigation. The Second Circuit has found that preserving the secrecy of an ongoing investigation is a compelling interest that courts should consider in deciding whether to seal certain parts of a proceeding. See Doe, 63 F.3d at 128; United States v. Haller, 837 F.2d 84, 87 (2d Cir. 1988) (upholding sealing of plea agreement to protect investigation, in part because alerting "potential targets of the investigation," could cause the witness "to be reluctant about testifying," and expose innocent subjects of the investigation to "public embarrassment"). If Mr. Sargeant's cooperation with the government was made public, uncharged co-conspirators could obstruct the government's investigation by, among other things: (1) destroying evidence; or (2) changing their statements when confronted or interviewed by law enforcement. In addition, unsealing this letter, and thus revealing Mr. Sargeant's cooperation, will likely harm the ability of law enforcement to secure current and future cooperation from persons similarly situated to the defendant, a fact that also weighs against public disclosure. United States v. Amodeo, 71 F.3d 1044, 1050 (2d Cir. 1995).

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

By: /s/
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Enclosure

cc: Kelly T. Currie, Esq. (via email)
Thomas A. Hanusik, Esq. (via email)
Anna Lee, U.S. Pretrial Services Officer (via email)